

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BOROUGH OF UPPER SADDLE RIVER, KAREN
MILLER, ROY OSTROM, MARIA FLORIO, MARK
RUFFOLO, and LINDA MCDONALD,

Plaintiffs,

-v-

VILLAGE OF AIRMONT and ROCKLAND
COUNTY SEWER DISTRICT #1,

Defendants.

Case No. 07-CV-0109 (KMK)(MDF)

ORDER

KENNETH M. KARAS, District Judge:

The Court held oral argument on November 29, 2007, with respect to the Report and Recommendations issued by Magistrate Judge Mark D. Fox on September 6, 2007 ("R&R"), and with respect to jurisdictional issues raised *sua sponte*. On the basis of this proceeding, it is hereby:

ORDERED that Defendant Village of Airmont's Motion for Summary Judgment is GRANTED, with the portion of the R&R dealing with this Motion adopted by the Court; and it is further

ORDERED that, for the reasons stated on the record, the case is DISMISSED WITHOUT PREJUDICE as to Defendant Rockland County Sewer District #1, with Plaintiffs to have an opportunity to file a Second Amended Complaint (upon consent of remaining Defendant Rockland County Sewer District #1), or to seek leave from the Court to file a Second Amended Complaint, by March 31, 2008; and it is further

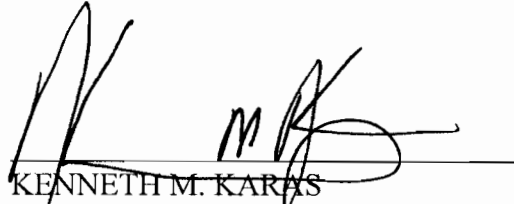
ORDERED that the Clerk of Court is directed to terminate the pending motions (Docket Nos. 16, 17, and 27) and to terminate Village of Airmont as a defendant; and it is further

ORDERED that the Clerk of Court is directed to place the case on the Court's suspense calendar pending Plaintiffs' filing of a Second Amended Complaint and for no other purpose, with discovery and all other process in the case stayed unless and until a Second Amended Complaint is accepted by the Court; and it is further

ORDERED that remaining Parties are hereby given notice that the Court may, *sua sponte* and without further notice to Parties, order this case removed from the Court's suspense calendar and closed in the event no further action is taken by Parties prior to March 31, 2008.

SO ORDERED.

Dated: November 29, 2007
White Plains, New York



KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE